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RIGHTS OF THE CHILD

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos

Addendum

Report on the mission of the Special Rapporteur on the issue of commercial sexual exploitation of children to Mexico

(10-21 November 1997)

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Introduction

1. At the invitation of the Government of Mexico, the Special Rapporteur on the sale of children, child prostitution and child pornography visited Mexico City, Puerto de Veracruz, Xalapa, Cancún, Ciudad Juárez and Tijuana from 10 to 21 November 1997, to study the issue of commercial sexual exploitation of children in Mexico.

2. The Special Rapporteur would like to take this opportunity to express her appreciation for the cooperation and assistance extended to her by the Government of Mexico, and in particular by the National System for the Integral Development of the Family (Sistema Nacional para el Desarollo Integral de la Familia - DIF), which enabled her to meet with representatives of relevant governmental and non-governmental sectors of society in all places visited and to obtain the necessary information and documentation to be able to report to the Commission on Human Rights in an objective and impartial manner.

3. The Special Rapporteur warmly thanks Mr. Michael Ayala Woodstock, Deputy Resident Representative of the United Nations Development Programme (UNDP) and his staff for ensuring a logistically and substantively successful mission. The Special Rapporteur is also grateful for the information, documentation and assistance provided by the United Nations Children's Fund (UNICEF) Mexico in the preparation of and in the conduct of her mission. Finally, the Special Rapporteur appreciates the efficiency of the United Nations Information Centre (UNIC) Mexico in coordinating with the media during her visit.

4. During the mission, the Special Rapporteur met with the Minister for Foreign Affairs, high-level officials of the Offices of the Government Procurators of the State, the National System for the Integral Development of the Family (DIF), the Ministry of Tourism, and the Public Prosecutor's Office, representatives of the National Human Rights Commission and several State Commissions of Human Rights and law enforcement officials. She also met with representatives of UNICEF, other non-governmental and children's organizations, and with Mexican consular authorities in San Diego, California.

5. The Special Rapporteur conducted on-site investigations during the nights in almost all the places she visited in order to observe for herself the situation of children in streets, bars and nightclubs. She also had occasion to visit a number of children's homes to meet with children victims of exploitation and abuse.

6. A list of selected persons and organizations with whom the Special Rapporteur met during her mission is annexed to the present report.

7. The Special Rapporteur chose to visit Mexico in order to study commercial sexual exploitation of children from four different angles, namely: in a large metropolis like Mexico City; in the industrialized port region of Puerto de Veracruz and Xalapa; in the coastal resort of Cancún; and in the border zones between Mexico and the United States of America, particularly those of Ciudad Juárez and Tijuana. The Special Rapporteur regrets the fact that due to disastrous conditions caused by hurricane winds in Acapulco, she was unable to include Acapulco in her visit. In addition, the Special

Rapporteur was interested to get to know any initiatives already undertaken in Mexico, both by Federal and State Governments and non-governmental organizations, to combat existing problems.

8. In the present report, findings relating to each situation are studied individually in view of the fact that whilst the causes of commercial sexual exploitation of children are similar to most places, the characteristics of the phenomenon, as well as the response by State Governments and civil society can vary considerably. At the same time, an analytical comparison between the different situations is made in order to identify strategies and make recommendations which may be adapted to various settings across Mexico.

I. COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN A METROPOLIS: THE CASE OF MEXICO CITY, D.F.

A. Causes and characteristics

9. Mexico City, with a population of approximately 20 million people during the day, including 8 million commuters who work in the city, is one of the largest cities in the world. Hence, the prevalence of street children in such a metropolis is not only unsurprising but also very apparent. According to official statistics, there were approximately 13,370 street children (of whom 4,210 were girls) in the Federal District, but non-governmental organizations working with street children now estimate the number to be closer to 20,000-25,000. It is also estimated that 90 per cent of street children in Mexico City are victims of sexual abuse at one stage of their lives in the streets.

10. Street children in prostitution are primarily congregated in the inner-city market area of La Merced (Delegación Cuauhtémoc), the bus terminal in Central del Norte, and in the two underground stations Observatorio and Indios Verdes. It was reported that since 1994, an increase in child prostitution in Mexico City had been observed, especially in the involvement of young girls who come from outside the Federal District, such as Tlaxcala, Oaxaca, Chiapas, Puebla and Veracruz. Only very few girls come from Northern States to Mexico City. Not surprisingly, socially disadvantaged conditions, unemployment and lack of educational opportunities were cited as the main causes for rural-urban migration of young single girls. Most of the street boys living in the Federal District originate from other States like Hidalgo, Querétaro, Michoacán and Guerrero.

11. Most of the girls travel to the Federal District to find employment and end up in the streets without money and housing. In many cases, they have escaped a violent family situation and are vulnerable to exploitation by pimps or middlemen upon arrival in the big city where they do not know anyone. The Basilica de Guadalupe, la Alameda or the Chapultepec Park and La Villa, for example, were cited as places where exploiters (galanes) are known to make the first contact with new migrant minors. Other girls are lured away from their families, sometimes with the family's blessing, by a middleman (padrote) or a "boyfriend" or a prospective "husband", who promise to secure employment for them in the city and who often loan to them substantial amounts of money beforehand to create a dependent relationship. Eventually, the girl's indebtedness is so great that she is forced to prostitute herself for her

former "husband" or "boyfriend", now her pimp. In these cases, the physical and sexual exploitation is exacerbated by the emotional and psychological exploitation of a young girl's feelings.

12. As observed by DIF, one of the main causes for children leaving home or being abandoned is family disintegration and the lack of capacity of families to take care of their members. Family violence and substance-abuse are exacerbating factors in the changing of social values and morals which do not recognize income situations as the main cause for vulnerability. In fact, it appears that in low-income families, family values tend to be less eroded than in more modernized, affluent families. Increased rates of teenage pregnancies and averse social attitudes to this phenomenon were also cited as causes for propelling young girls into prostitution.

13. Some girls are given work in bars and restaurants which is mostly based on the understanding that other services are also made available at the client's request. Some of the girls in prostitution actually send money home to their families to supplement the family income or support a younger sibling's education. Street girls involved in prostitution are often exploited not only by their pimps but also by the police, restaurant (loncherias) and café owners, as well as local administrative officers who ask for "protection money".

14. In cases of girls under 12 years old, it has been observed that most of them live in the Federal District in the streets, having run away from home or having been abandoned by their families, without the initial intention of engaging in prostitution. It is as a result of their life in the streets, where they are exposed to early sexuality, teenage pregnancies and easy access to drugs, that they become involved first in "sex for survival" and later may become victims of commercial sexual exploitation.

15. Prostitution of boys in the Federal District had also been observed but not to such a great extent as girls. It was, however, noted that boys are more likely to engage in sex in exchange for food, drugs or a place to sleep, rather than for money. In the Federal District, it is generally known that street boys and homosexual clients or paedophiles looking for sexual services from young boys usually gather in the Garibaldi area. Non-governmental organizations also reported that street boys between 10 and 14 years have been seen at certain street corners in the early morning hours where private limousines would pull up and take the boys away. However, it is very difficult to investigate what is actually happening as the boys are not willing to talk about their experiences, either out of fear or embarrassment. Another characteristic of street boys, as opposed to girls, is their ability to survive and the way in which they may travel across the whole country seeking adventure. Such mobility is one of the major obstacles for child carers to involve street boys in their support programmes for longer periods of time.

16. One of the most comprehensive studies of commercial sexual exploitation in Mexico which the Special Rapporteur encountered was a study of juvenile prostitution in La Merced, Mexico City, that was carried out in 1996 by the non-governmental organization Spaces for Total Development (Espacios del Desarollo Integral, AC - EDIAC), sponsored by the Human Rights Commission of

the Federal District and UNICEF. It is estimated that over 50 per cent of females involved in prostitution in this district are minors, the majority around 15 to 16 years old.

17. During her night tour of the La Merced area, the Special Rapporteur had the opportunity to dialogue with leaders of the Union of Independent Women, a group of approximately 300 commercial sex workers in the district who have organized themselves in an effort to increase their personal security. When asked by the Special Rapporteur what their greatest fear in their work is, they answered that "every time we go with a client we never know if we will come back alive" (interview with Nancy Gonzalo Vargas, a Union leader, 11 November 1997). The Union leaders denied that any minors were members of their society but admitted that they may be in other groups. They apparently resent the fact that it appears that minors receive three times as much as an adult sex worker. The Special Rapporteur was also informed, however, that the Union is only one of many associations operating in La Merced, many of which fight against each other, often resulting in violence and threats, increasing the vulnerability of children in the streets and making it virtually impossible for them to get out of such circumstances.

18. In addition to very visible prostitution in the streets of La Merced, it was reported that tradesmen in the markets sell pornographic tapes and magazines, including child pornography, at their stalls during the day. No further investigation of this matter had been made, however, but one non-governmental organization was planning to take action in this regard. The Special Rapporteur also urges the relevant governmental authorities to undertake measures to ensure that child pornography is not possessed, produced nor distributed in Mexico.

19. The spread of HIV/AIDS is another increasing risk associated with the proliferation of children in prostitution. It appears that clients are often averse to using condoms and increasingly prefer sex with younger children, heightening their vulnerability to exploitation and to HIV/AIDS infection.

B. Legal framework

20. The Government of Mexico is a State party to the Convention on the Rights of the Child since 26 January 1990 and submitted its initial report to the Committee on the Rights of the Child (CRC/C/3/Add.11) in December 1992. * Whilst the Committee commended the Government on the early ratification of the Convention and the timely submission of the initial report, the Committee expressed its concern at the fact that laws and regulations relevant to the enforcement of the rights of the child were not always compatible with the

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* Dated 10 February 1993, the initial report was considered by the Committee at its fifth session in January 1994 (see CRC/C/24, paragraphs 26-44 for the Committee's concluding observations, and CRC/C/SR.106-107 for an account of its deliberations).

provisions of the Convention. In this connection, the Special Rapporteur urges the Government of Mexico, at federal and State levels, to continue its efforts to harmonize domestic legislation consistent with the Convention. All Mexican State legislation recognizes the age of majority as being 18, but there is controversy and variations in the age of penal responsibility.

21. In this context, the Special Rapporteur would like to commend the efforts to the National Human Rights Commission which has recently published an analysis of all legislation relating to children's rights, on a State-by-State basis, with an accompanying commentary and model legislation for harmonizing the State law with the Convention on the Rights of the Child. The Special Rapporteur was informed that all Senators of the National Assembly will be provided with copies of the draft legislation and recommendations.

22. The Committee on the Rights of the Child, in examining the initial report, had also been disturbed by the great number of complaints of ill-treatment of children attributed to the police and security or military personnel and by the failure to take effective steps to punish those found guilty of such violations or to make public eventual punishments. The Special Rapporteur has below referred to some cases involving violence against street children allegedly committed by law enforcement officials. She is particularly concerned by reports that she received during her mission that some members of the judicial police are either actively committing violations against children in the streets or are engaged in the protection of child exploiters.

23. The Committee on the Rights of the Child also expressed concern over the existence of large-scale child abuse and violence within the family. In this connection, the Special Rapporteur was pleased that, during her dialogue with Senators, she was informed that the President of the Republic had signed a draft legislation on intra-familial violence in the week before her visit to Mexico. This was considered an important step not only in combating the rising incidence of domestic violence in the country but also towards raising social consciousness of an existing problem. Members of the Senate also assured the Special Rapporteur that all political parties at the Senate are united in the urgency of addressing commercial sexual exploitation of children.

24. For the purposes of this report, the Special Rapporteur is not in a position to analyse in detail all relevant federal and State legislation concerning the rights of children in view of the complex Mexican legal system. Instead, she simply highlights the most relevant provisions of some federal laws, as well as of the legislation of those States which the Special Rapporteur visited. The purpose is to show the many variations in the laws protecting the rights of the child at State level.

25. The prohibition of and punishment of commercial sexual exploitation of children is mostly covered by articles related to the corruption of minors defined as "(inducement to dishonest forms of life so that moral and physical degradation of the child is incurred", and lenocinio defined as the "purposeful or incidental exploitation of the body of another person through the flesh trade".

26. The Constitution of the United States of Mexico, in its Articles 17, 21 and 102 states that activities related to the sale or trafficking and prostitution of minors, as well as child prostitution are subject to investigation and sanction. It is noted that adult prostitution in itself is not criminalized as long as it is practised in a "non-scandalous manner" (article 200, III of the Penal Code).

27. Article 366 of the Penal Code prescribes a prison sentence between two to nine years for trafficking in minors. This article is related to the new Federal Law against organized crime which, in its article 2 (V), refers to trafficking in minors as a serious crime when it is carried out by members who are involved in organized crime and proscribes nine years of imprisonment.

28. The Federal Labour Law, in its article 173 states that labour carried out by anyone between 14 and 16 years old is subject to vigilance and protection by labour inspectors. Article 174 of the same law prohibits the granting of employment to minors under 16 years of age in places where inebriating drinks are sold or which affect their morality.

29. The Penal Code of the Federal District classifies child prostitution and child pornography as "corruption of minors", with a penalty of 7 to 15 years of imprisonment. In case of group prostitution of minors, in established brothels, for instance, the penalty consists of up to 40 years in prison. Prostitution of a minor by another minor is not regarded as a criminal offence but as "fault of discipline", requiring rehabilitation in a juvenile correctional institution, unlike child victims of commercial sexual exploitation who are referred to separate institutions for rehabilitation and care, such as children's homes and shelters managed by non-governmental organizations.

30. One concern raised also during the discussions was the need for revision of the Penal Code to enable the filing of a complaint on behalf of the child without parental consent. At the time of the Special Rapporteur's visit, the Senate was in the process of considering draft amendments to the Penal Code relating to child pornography, which would classify child pornography as a serious crime punished with 5 to 10 years of imprisonment and a penalty of minimum 1,000 days of earnings. The need to receive comparative national legislation on child pornography from other countries was mentioned with a view to strengthening the existing draft.

C. Government programmes

31. The National System for the Integral Development of the Family (DIF) is the principal governmental organization dealing with children, through 32 State DIFs it attempts to build capacity at local level through programmes protecting children. Originally, in the 1930s, DIF had been established to take care of abandoned children in cities. Since then, it has become involved in providing school breakfasts for over 4 million children nationwide. DIF also develops national policies for the protection of children and intervention and rehabilitation strategies for child victims. In its preventive strategies, DIF emphasizes the integration of the family as the core element in its programmes, particularly since the main reason for the high number of street children in Mexico has been diagnosed as family

disintegration. In view of this social phenomenon, DIF advocates that a legislative review process of laws relating to children must be accompanied by awareness-raising within Mexican society in order to achieve an increased consciousness that children have rights. In addition, relevant laws must be accessible to families at local levels to render protection of children effective. The empowerment of the family is seen as the most effective tool for preventing child exploitation and abuse.

32. DIF in the Federal District has established a telephone line where child abuses can be denounced to qualified staff who then send social workers to evaluate the situation. DIF also provides free legal assistance to families in need and is developing possibilities to make available psychological and educational support to families and vulnerable groups. In dialogue with the Special Rapporteur, DIF representatives noted that the biggest challenge in their work was the lack of concrete statistics of children in difficult circumstances in Mexico; they also recognized the need for DIF programmes to be expanded to rural and indigenous areas. In this connection, DIF, in cooperation with UNICEF, implements programmes for children in especially difficult circumstances, which address issues of child labour, street children and abused children.

33. In this respect, the Special Rapporteur was informed that UNICEF has no programmes specifically addressing the issue of commercial exploitation of children in Mexico. Many of its programmes deal indirectly with the issue, such as programmes aiming to eliminate intra-familial violence, increase social mobilization through media, provide assistance to street children and support given in the revision of national and State legislation relating to children. The Special Rapporteur strongly recommends that UNICEF, within its mandate addressing children in especially difficult circumstances, initiate and fund projects specifically responding to children victims of commercial sexual exploitation, drawing on the expertise of and supporting non-governmental organizations working in this field.

34. In her discussions with the Minister for Foreign Affairs, the Special Rapporteur was informed that the Government of Mexico is taking the lead in the Hemispheric Summit of Latin American and Caribbean States to be held in Chile in 1998 towards adopting a special focus on commercial sexual exploitation of children in the region. The exchange of information, investigatory techniques and materials, as well as specialized personnel dealing with children victims of commercial sexual exploitation were all mentioned as important issues that could be discussed at such a high-level regional meeting. The Special Rapporteur urges the Government of Mexico to use such opportunities in order to show concerned leadership over this important issue that affects the whole continent.

35. With regard to laws on extraterritoriality, the Minister for Foreign Affairs indicated that the Government is concerned about the "dubious legal value" of such legislation and does not consider such standards in conformity with international law, based on an opinion requested from the Inter-American Legal Committee. The Minister further explained that Mexico has entered into a number of bilateral extradition treaties with many countries, also applicable in cases of commercial sexual exploitation of children, so that special legislation for extraterritorial jurisdiction for these purposes is

not needed. In this context, the Special Rapporteur noted, however, that the value of extraterritorial legislation relating to child sex exploiters lies mainly in the preventive value of the law more than in its punitive impact.

36. During the Special Rapporteur's visit to the National Assembly, the Commission for Special Attention to Vulnerable Groups and the Commission for Health and Social Services committed themselves to fighting commercial sexual exploitation of children in Mexico at various levels. Undertakings would include legislative revision, networking and cooperation with relevant actors, such as the media and tourism organizations and through support to non-governmental organizations working in this area. The Special Rapporteur hopes that these commitments made at the time of her visit have already been translated into effective strategies and actions by members of the National Assembly.

37. In meetings with the Special Rapporteur, officials of the Ministry of Tourism strongly denied that Mexican tourism was promoting sex tourism, but rather tourism based on Mexican culture, nature and history. They alleged that no cases of sexual exploitation of children related to tourism have been received by the Ministry in the past three years. At the same time, it was recognized that although sex tourism per se might not be widespread in Mexican resorts yet, measures should be taken now to prevent any escalation of the involvement of Mexican children in sexual exploitation by tourists. In this connection, it was suggested that the Ministry of Tourism could undertake a research project, analysing data available from profiles of incoming tourists, with a view to identifying tourist areas at greater risk of incidences of sexual exploitation.

38. The Special Rapporteur was pleased to note that the Ministry of Tourism, in cooperation with UNICEF, annually organizes a conference on "Tourism and Children", which focuses on child tourism, the effects of tourism on children, and capacity-strengthening of children to support tourism, including its preventive effects. The Special Rapporteur recommends that the next annual conference carry a special focus on the impact of tourism on commercial sexual exploitation of children in Mexico.

39. The National Human Rights Commission, within its special programme for women, children and the family, is mandated to receive complaints of human rights abuses in these areas and carries out preventive work, such as legislative review and awareness-raising in the field of children's rights. In this connection, the Special Rapporteur is pleased to note that the National Commission recently finalized a draft legislation for all 32 States with a view to harmonizing State legislation in accordance with the Convention on the Rights of the Child. The Special Rapporteur calls on all State legislatures to consider carefully the recommendations made by the National Commission and to cooperate with the State Human Rights Commissions in undertaking a legislative review on children's rights.

40. The National Commission also operates a 24-hour helpline for reporting violations of children's rights and recently convened a seminar for non-governmental organizations in Spain and Latin America on reporting of human rights violations against women and children. In addition, the Commission has established links with the academic community with a view to

sensitizing academics and students on children's rights in order to create multidisciplinary teams to assist children at community level. The Special Rapporteur was also informed that, at State level, all human rights commissions operate programmes jointly with DIF which address street children. In this connection, the Special Rapporteur calls upon all State Governments to consider the inclusion of a specific component on commercial sexual exploitation of children in their programmes.

41. The National Commission also agreed with reports that the Special Rapporteur had received which allege that police abuse of street children is a major problem which Mexico faces. It was also agreed that training of both the preventive and judicial police on children's rights should be made a priority area of cooperation between the National Commission and the DIF. The Special Rapporteur suggested, in this connection, that the Government of Mexico might consider to request assistance from the Office of the United Nations High Commissioner for Human Rights with regard to police training manuals and expertise.

42. The Human Rights Commission of the Federal District, on the basis of the study on juvenile prostitution which it funded and which is referred to above, has put forward a proposal for regulating prostitution with the objective of ensuring that children involved in commercial sexual exploitation are not treated as criminals but as victims. It appears, however, that certain more conservative sectors of society are opposed to regulating prostitution since it would be considered as "endorsing prostitution". The Special Rapporteur commends the Human Rights Commission on its initiative and calls upon civil society to support these efforts with a view to eliminating child prostitution.

43. The Special Rapporteur also had the occasion to visit the "Casa del Arbol", a project of the Human Rights Commission of the Federal District (CDHDF), where children have the opportunity to learn about their rights and how to express and protect these rights. She was very impressed with the innovative teaching methodologies applied and materials used in this Children's House and encourages the establishment of such centres in all States.

44. The Special Rapporteur also met with representatives of the National AIDS Prevention and Control Board (CONASIDA), which is, the national focal point on HIV/AIDS of the Ministry of Health. CONASIDA has, since 1988, worked with female sex workers on issues relating to HIV/AIDS, including confidential testing, dissemination of information, and provision of condoms. According to CONASIDA officials, however, HIV/AIDS amongst female sex workers is not such a serious problem yet since it appears that 86 per cent of registered HIV/AIDS cases in the country are related to homosexual or bisexual men. In addition, it is reported that over 70 per cent of women and children currently living with HIV/AIDS were infected through unsafe blood transfusions in the past. In her discussions with CONASIDA, it was pointed out to the Special Rapporteur that the mobility of street children is one major obstacle for providing regular health check-ups and that CONASIDA health and information centres are mainly visited by more established female sex workers rather than by the street children.

D. Criminal justice system

45. The Government Procurator of the Federal District informed the Special Rapporteur that, in 1995, his Office established a new department dealing with prevention and support to victims, under which the Directorate of Minors and its specialized agencies are located. In fact, the Special Rapporteur was impressed with the wide range of activities and institutions that operate under the jurisdiction of the Office of the Government Procurator and which relate to children's matters.

46. The Government Procurator emphasized the importance of coordination amongst all governmental institutions in order to operate effectively in the area of protection of children. Under the jurisdiction of his Office, and within the Directorate of Minors, there are 4 specialized agencies (out of 70 agencies of the judicial police) which address matters related to minors and incapacitated in the Federal District. The Special Rapporteur had occasion to visit one of these agencies, namely Specialized Agency No. 57, which deals with matters related to street children, particularly those who are abandoned and/or abused. The Agency's specialized team of law enforcement officials and officials of the Public Prosecutor's Office investigates sexual offences committed against minors and also directs the child victim to the appropriate services.

47. The Agency likewise provides social support services and referrals, as well as psychological help for abused and exploited children in Mexico City. The Special Rapporteur was pleased to note that the mandate of the specialized agencies, such as No. 57, reaches beyond the traditional law enforcement, and is much more comprehensive in the response mechanisms it provides. At the same time, the Special Rapporteur was surprised to learn that no cases of sexual exploitation of children, whether commercial or otherwise, had been reported to the Specialized Agency. The Special Rapporteur, therefore, urges Agency officials to pay particular attention to cases that might involve commercial sexual exploitation of children and to make special efforts to gather data in this direction.

48. The Office of the Government Procurator is also responsible for a temporary shelter (Albergue temporal) for up to 150 abused children. The shelter provides protection and assistance to minors under 12 years old who are victims of abuse, those who are abandoned or those in danger of abuse in connection with preliminary investigations or pending criminal and/or civil suits. In the shelter, children are cared for by social workers, doctors, nurses, educators and psychologists. They receive a balanced diet and learn to overcome the abuse they have suffered until an alternative and more permanent solution is identified for them. Children aged 12 and above are referred to alternative hostels and children's homes by social workers at the Specialized Agency.

49. One of the criticisms voiced against the programmes managed by the Government Procurator's Office addressing minors, was that too often non-governmental organizations are relied upon to provide shelter for children or to repatriate children to their home across the country, without any

financial support. It is held that governmental structures should be better equipped to house more children and to be in a position to accompany children home at their cost.

50. The Special Rapporteur was also concerned at information that law enforcement officials in the Federal District, in particular the judicial police, are either themselves perpetrators of violence, including sexual violence, against street children, or act in collusion with pimps and middlemen in exploiting children. One study showed that 11 per cent of 1,500 female sex workers who were interviewed stated that police officers were their pimps or exploiters (interview with Dr. Elena Azaola, Street Children Programme, Commission of the European Communities, Mexico City, 12 November 1997). Another case referred to street children who live in drainage tunnels (niños de coladeras);' in this case, there were allegations that the police had thrown petrol bombs into the tunnels to force the children to come out, only to be subsequently beaten by the police.

51. The Special Rapporteur considers such actions as contemptuous since not only is the police force making itself criminally liable for actions from which it should be protecting children, but it is also perpetuating a culture of impunity which significantly increases children's vulnerability to abuse and exploitation. The Special Rapporteur was informed of one particular case of rape and sexual assault of three street girls by the judicial police at the Central del Norte bus station in April 1997. It appears that a group of non-governmental organizations filed a complaint with the Human Rights Commission of the Federal District but that no action had yet been taken against the officials involved up to the time of the visit of the Special Rapporteur.

E. Non-governmental organizations

52. The Special Rapporteur was informed of COMEXANI, a network which brings together non-governmental organizations working with children's rights. Its main concern is raising awareness and disseminating information on the rights of children and the obligations of the Government of Mexico under the Convention on the Rights of the Child. This network also organizes the preparation of the non-governmental report for submission as supplementary information to the Committee on the Rights of the Child. In this context, the Special Rapporteur raised the importance of including more detailed information on commercial sexual exploitation of children in the report by non-governmental organizations. She was informed that the next report for 1998 would contain much more information in this regard but again the lack of specific and accurate data on the extent of the phenomenon was raised as an obstacle for reporting on the issue.

53. One non-governmental organization that works directly in the streets with children, Alternativa Callejera, reported that it had been invited by the Government Procurator of the previous administration to develop a street children project focusing on street children crossing the United States-Mexican border. However, after research had been made in this connection and a project established, the current administration had refused to continue this cooperation. The Special Rapporteur strongly urges the

Government to benefit from the expertise provided by non-governmental organizations, especially in the field of commercial sexual exploitation, and to reinstate such collaborative efforts.

54. Alternativa Callejera operates two children's homes, "Tlahuac" and "Xochimilco", in the Federal District, which provide places for 52 children. The children attend school or participate in vocational training, creative studios and, with the support of the University, are given courses in computer-literacy. Therapists are available to treat children victims of sexual abuse. Alternativa Callejera also works with the families of the children, if the child wants to, in order to explore possibilities of the child returning home.

55. Fundación Renacimiento is another non-governmental organization working with 250 street children in Mexico City and also provides shelter for 70 boys in the "Casa Ecuador". In addition to cooperating with UNESCO in organizing cultural and sports events for children, the Fundación has put forward a proposal that professionals in the field of social services and humanities who have experience working with non-governmental organizations function as "social tutors" or advisers for child carers, including those governmental officials responsible for children.

56. The Brigada Callejera is a non-governmental organization which evolved from the need to protect women and girls involved in prostitution from the dangers of HIV/AIDS infection. One initiative undertaken by the Brigada is to establish a "Quadrante de Soledad", a communal space for women with support services such as health services, HIV/AIDS education and referrals to other organizations. The Brigada also runs a feeding house (comedor popular) for women and children in prostitution, and for their children.

57. On the basis of the study carried out by the NGO Spaces for Total Development (EDIAC) in La Merced, a project has been developed which provides comprehensive attention to girls who are at risk in the La Merced area. EDIAC has established "social clubs" for girls who mostly work in bars and loncherias in the market area and who are vulnerable to exploitation by their patrons and clients, to receive counselling to increase their self-esteem and personal integrity. Furthermore, EDIAC is planning to set up a documentation centre with information on the dangers of commercial sexual exploitation.

58. The non-governmental organization Educación con el Niño de la Calle (EDNICA) operates a community-based intervention programme where the organization works for five years with one community on building their capacity to address problems related to street children until the community has become self-reliant. EDNICA believes that all non-governmental organizations and support groups working with street children should channel their assistance through the community with which the child has chosen to identify itself. In the area of the underground station Observatorio, in Mexico City, before EDNICA started its pilot project, seven different organizations had been working with the street children there. EDNICA tries to ensure that the child receives all the same services but through a more long-term support structure from within the community. The Special Rapporteur considers this joint cooperation initiative to be particularly important for optimum benefit and rationalization of resources.

II. COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN AN INDUSTRIALIZED PORT REGION: XALAPA AND PUERTO DE VERACRUZ

A. Causes and characteristics

59. The State of Veracruz, with the capital of Xalapa, has a population of 7 million in 210 districts, out of which 120 are isolated, rural and marginalized areas. The remaining districts are industrialized, centred around the port of Veracruz. In addition, there are 17,000 settlements or communities within the State, out of which 6 are in Xalapa. The State has a high percentage of indigenous populations, representing 10 languages and ethnic regions.

60. According to information provided by the State DIF, there are 2,000 street children in the State of Veracruz who are registered with DIF, most of them originating from the State itself. Of those 2,000 street children, approximately 350 live in the streets (out of which 110 to 120 are children living in the streets of Xalapa). The Special Rapporteur would like to express her concern at this very low figure which, from her observation and considering the economic and social characteristics of the State, would seem underestimated. DIF itself conceded that approximately 30 per cent of street children in Veracruz State are not registered.

61. The Special Rapporteur was informed that no data and statistics exist on the extent of commercial sexual exploitation of children in the State. At the same time, it was reported, and the Special Rapporteur was able to verify herself, that child prostitution exists in the streets of Puerto de Veracruz, mostly crowded around the central town square at the "Portales de Veracruz", where cafés and restaurants cater mainly for tourists. In addition, in the port area, children are seen offering their services or selling curios and drugs especially to sailors and merchant marine crew members. In particular, in holiday periods, such as in the summer and during the carnival, street children congregate in greater numbers in the port area, looking for ways to earn a living. It appears that commercial sexual exploitation of children in Puerto de Veracruz has a more organized and established character than in Xalapa.

62. The population of Xalapa, the capital of the State, is estimated at 450,000. DIF officials agreed that it should be relatively unproblematic to prevent commercial sexual exploitation of children in a city of this size, but due to the constantly increasing migrant population or "floating population", Xalapa's society and the surrounding areas suffer from assimilation difficulties. Children of migrant families often do not attend school and the families often suffer from intra-familial violence and tensions due to the new circumstances and environment. Such factors naturally increase the number of school drop-outs, runaways and children in the streets. Officials noted that children in prostitution could be found in the peripheries of Xalapa, where rural and urban settlements come together, and in the Parque Juarez in the centre of the city. Some suspicious activities going on in private houses and establishments were also raised but no data or facts were available.

B. Legal framework

63. According to articles 229 to 232, chapter XI (Crimes against public morality), of the Penal Code, the corruption of minors is penalized between 1 month to 5 years of imprisonment and a fine of up to 150 days of earnings. The exploitation of prostitution of minors is addressed in articles 233 to 235 of chapter XI, and prescribes 6 months to 11 years of imprisonment, with a fine up to 280 days of earnings

C. Government programmes

64. At State level, within the structure of the National System for the Integral Development of the Family (DIF), the Office of the State Procurator for the Defence of Minors, the Family and Indigenous People carries the principal responsibility for abandoned, abused and ill-treated children in both criminal and civil matters. The Procurator for the Defence of Minors is mandated to, inter alia, file complaints on behalf of sexually abused children before the Office of the Government Procurator of the State, through the Specialized Agency for Sexual and Family Crimes, and is also responsible for a children's home.

65. The State Government, through DIF, is attempting to achieve a more equal partnership with non-governmental organizations in order to collaborate effectively in the area of children's rights. One such programme operated by DIF is the MECED programme addressed to children in especially difficult circumstances: supported by UNICEF, it addresses basic needs such as food, clothing and health care for children in poor circumstances and in the streets. In the 210 migrant quarters of Xalapa, with a population of 150 to 200 families in each quarter, disadvantaged socio-economic conditions, including marked poverty, unemployment, unstructured housing and lack of infrastructure, render children more vulnerable to exploitation. DIF officials stated that, due to lack of resources, the MECED programme does not focus on children victims of commercial sexual exploitation. At the same time, it was pointed out that it is considered that more "traditional forms" of child labour pose a far greater problem for the State than child prostitution; this was imputed to the fact that many migration generally occurs by families rather than children by themselves.

66. The Special Rapporteur was concerned at reports that DIF had not succeeded in establishing effective and mutually beneficial working relationships with a broader community of non-governmental organizations in Veracruz State but rather only with certain organizations. The Special Rapporteur considers this an important area where DIF must take proactive steps to ensure that a broader base of non-governmental organizations working in the field of children's rights are included in a State-wide initiative.

67. The State Human Rights Commission, under its section dealing with matters concerning youth, children, aged and disabled, receives complaints of alleged violations of children's rights, monitors the treatment of minors within the criminal justice system and promotes a human rights education programme for children through discussion groups and creative events. The Commission also informed the Special Rapporteur that it trains "community instructors" to prevent, detect and report violations of children's rights.

In discussions with the Commission, the Special Rapporteur expressed her concern that the issue of sexual exploitation of children, whether commercial or otherwise, did not appear to be an area of intervention by the Commission. The Special Rapporteur emphasized the importance that the State Commission acknowledge the existence of the problem of commercial sexual exploitation in the State, carry out research to determine its extent and devise strategies to combat the phenomenon.

D. Criminal justice system

68. The Special Rapporteur visited the Specialized Agencies for Sexual and Family Crimes in both Xalapa and Puerto de Veracruz. These Agencies operate under the Office of the Government Procurator of the State and provide integral and comprehensive assistance to victims of sexual crimes and crimes against the family, in an attempt to optimize criminal investigations through multi-disciplinary action. They are responsible for receiving complaints from victims of sexual or family crimes, investigating these crimes and for providing psychosocial support to the victims. Neither agency, however, had recorded a case of commercial sexual exploitation of children since their establishment over seven years ago. Whilst officials had no data available on this phenomenon, they were aware of the existence of child prostitution both in Xalapa and in Puerto de Veracruz. It was pointed out that investigators of the Agency cannot actively look for cases but are only mandated to investigate complaints which have been brought to them.

69. In discussions with the Special Rapporteur, it was agreed that one of the first steps to be taken should be the sensitization of the community to recognize and report cases of commercial sexual exploitation of children. Awareness-raising should also be extended to explaining what constitutes criminal behaviour in this context. The community services section within the Office of the Government Procurator and the Department of Education and Family were identified as the most appropriate partners in taking such initiatives.

70. The Special Rapporteur was glad to learn that all officials of the Specialized Agencies receive specific training relating to investigating child abuse and in crisis intervention strategies. It was also emphasized that in all criminal cases involving children, law enforcement officials are required to call upon an official of the Specialized Agency to deal with the child victims. Once a victim is received by the responsible official at the Agency and a statement is recorded by a legal secretary, she or he undergoes a forensic examination and is subsequently referred to a resident psychologist also for examination. A social worker establishes a victimological profile of the victim and the aggressor for statistical purposes to be the basis of preventive strategies for sexual and family crimes. If the child is in need of protection, the Specialized Agency liaises with DIF in order to place the child in temporary custody. Should the examination so require, a child may be referred to the Centre for Victim Support within the Office of the Government Procurator. The Centre provides support for victims of sexual or other violent crimes in four areas: social work; clinical support, including psychological treatment; legal assistance, as well as accompanying the victim through court procedures; and institutional liaison, where referrals to other institutions are given.

71. In discussions with officials of the Specialized Agency in Puerto de Veracruz, the Special Rapporteur was concerned at the lack of recognition of the problem of commercial sexual exploitation in the city. During a night tour of the city centre and the port area, the Special Rapporteur had been able to observe children who were very visibly engaged in prostitution in streets and in cafés. She, therefore, considers it important that, although concrete data might not be available on the existence of the phenomenon and cases have not been brought to the Specialized Agency for investigation, strategies be undertaken to sensitize the community to the problem and encourage reporting of possible situations of commercial sexual exploitation of children.

E. Non-governmental organizations

72. The Childhood Council of the State of Veracruz brings together 14 non-governmental organizations working in the area of children's rights from all professions, including psychologists, doctors, lawyers, social workers and anthropologists, and is fully supported by the State DIF. One of the Council's programmes attempts to elaborate normative standards and a methodology for the protection and defence of children, including through revised draft legislation on children based on the Convention on the Rights of the Child.

73. Representatives of MATRACA, a non-governmental organization working with street children in Veracruz State for over seven years, stated that although commercial sexual exploitation of children existed in Xalapa, it was difficult to report. To their knowledge there are no organized networks of exploiters. MATRACA, however, pointed to the increasing flow of girls from areas surrounding Xalapa to the streets, which requires urgent attention by DIF in cooperation with non-governmental organizations. MATRACA also operates a programme addressing the needs of indigenous women and children in northern Veracruz State. It was emphasized that indigenous children are often most vulnerable to economic and social marginalization and consequently to exploitation and life in the streets.

74. Alternativa Callejera has developed a specific methodology with which to reach out to children in streets who are referred to as "citizens of the street" in their own habitat. This methodology involves all actors present in the street, such as taxi drivers, prostitutes, flower sellers, police officers and local musicians (or "mariachis") with whom street children interact on a daily basis. After an assessment of a particular "street situation", Alternativa Callejera approaches the most sensitive actors and informs and sensitizes them to the needs of the surrounding children, thereby creating a "class identity". Typically, one of the most receptive groups is composed of peasant women who sell corn on the cob at street corners. Alternativa Callejera requests these women or other actors to monitor, study and approach the street children in her vicinity in order to build an affection-based relationship with them. At this point, street educators could move in and establish a dialogue with the children who would then be more receptive to the support offered by non-governmental organizations. The underlying philosophy of the methodology developed by Alternativa Callejera is the recognition that non-governmental organizations and street educators who work with street children are considered as "outsiders" by the people living in the streets.

The involvement of the other people in the street in support programmes for street children, however, softens such suspicions and carries longer-lasting benefits.

III. THE IMPACT OF TOURISM ON COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN: CANCUN, Q.R.

A. Causes and characteristics

75. The State of Quintana Roo, is located on the Yucatán peninsula, with the tourist resort of Cancún in the north and Chetumal, the capital, in the south on the border with Belize. Quintana Roo has a turnover of approximately 2.5 million tourists per year. The city of Cancún has 450,000 inhabitants, and a population growing at a rate of 30,000 people (or 17 per cent) annually, as opposed to Chetumal with a relatively stable population of 250,000. The presence of street children in Quintana Roo is largely concentrated in the tourist area of the north, especially in Cancún.

76. According to the Ministry of Tourism, 82 per cent of tourists in Cancún are North Americans, 10 per cent are from Latin American countries and 8 per cent from Europe. The main reason given for visiting the Yucatán peninsula are the beach resorts and the cultural attractions. The tourist profile further indicates that most visitors are either families or couples, and most often honeymooners, as well as mixed groups of North American students. The absence of solo travellers and single-sex tourist groups may be a good indicator that conditions for sexual exploitation of local children are not yet prevailing.

77. An important factor affecting the situation of children in Cancún is the fact that the city was only created 25 years ago, as a result of careful urban planning which makes it much easier to control the quality of street life, migratory influxes and other factors rendering children generally more vulnerable to exploitation. By contrast, the tourist resort of Acapulco, for example, is a traditional town where infrastructures have developed over the years without central planning, giving rise to the increased presence of street children and places of exploitation without effective control.

78. The Special Rapporteur observed that in some working-class areas in Cancún, such as Crucero, street children come together to sell ice cream, chewing gum and candies, and are more exposed to dangers of life in the streets. In the same areas, young girls work as waitresses in seedy loncherias, coffee shops and bars, and are mostly also required to offer sexual services to their customers. Other areas where children are drawn to life in the streets and consequently become more vulnerable to exploitation are in the quarters in the peripheries of Cancún, such as quarters Nos. 44, 45, 67, 71 and 72.

79. The Special Rapporteur was also informed that street children congregate in some of the luxurious shopping centres or outdoor shopping arcades catering for wealthy tourists in Cancún. Report was made of street children who were selling kisses for a dollar to tourists in front of a particular nightclub in Cancún. Although such an activity might seem harmless at first glance, it may easily lead to more exploitative situations if more money is offered to them.

80. Women and girls also engage in prostitution in the more exclusive nightclubs in Cancún, as well as along the main road leading out of Cancún, for example, at "kilómetro 21". It appears, however, that services offered are mainly by older girls or women over 18.

81. The Special Rapporteur was also concerned at reports that, in 1996, there was an increase of 153 per cent in cases of sexual violence and rape against minors in Cancún. At the same time, intra-familial violence was cited as another main cause for children to leave home and live in the streets.

B. Legal framework

82. The Penal Code of the State of Quintana Roo considers the corruption of minors in article 139 of chapter V (Crimes against public morality), providing for a penalty between 3 months and 10 years of imprisonment and a fine between US$ 100 to US$ 20,000. Article 140 of the same Code prescribes two to five years of imprisonment for the exploitation of or prostitution of minors and a fine of US$ 100 to US$ 10,000.

C. Government programmes

83. The Office of the DIF State Procurator for the Defence of Minors has been involved in legislative review of State laws relating to children, especially with a view to increasing penalties against parents who abuse their children, as a deterrent element. In Cancún, the municipal DIF registers children in need of assistance at a temporary shelter (casa filtro) where medical examination, psychological support, counselling, and legal advice are also available; the average stay of a child is 10 days, after which the child is either reunited with his or her family or sent on to a children's home in Chetumal. The State DIF operates a home called "Ciudad de los Niños" in Chetumal, with a capacity of 100, for children who have to stay over a longer period of time. DIF officials emphasized, however, that the long-term objective is always to prepare the children for reintegration with their families or other relatives, if at all possible. In the years 1990 to 1996, 2,084 children have been attended to at this home.

84. The municipal DIF in Cancún has established a children's park where 1,200 children per day can play in a supervised green area, with many sports and game facilities. The park is managed by a group of disabled youths who are able to earn a small wage for their efforts. The Special Rapporteur was very impressed with the friendly and safe atmosphere that prevailed in the park and would hope that such an initiative could be taken up in cities or districts where children are left to their own devices without being able to be children and enjoy childhood. Such children's parks could also serve to gain the trust of street children which will enable them to be monitored unobtrusively so that those most in need could be directed to relevant assistance programmes.

85. Another programme for street children makes education available to them through what is referred to as "open schools", which have much more flexible and less regimented curriculum and schedules than the regular schools. This

is a very commendable initiative as it provides a compromise solution realistic enough to recognize the need for the street children to earn a living.

86. In contrast to the very open dialogue with energetic and knowledgeable DIF officials, the Special Rapporteur was disappointed in the rather defensive attitude of the representative of the Department of Tourism who denied the existence or possible danger of sex tourism in Cancún; her analysis of the situation was based on the tourist profile of visitors who travel to Cancún. The Special Rapporteur would, however, like to appeal to the tourism authorities that it is especially at this time, when the problem of commercial sexual exploitation appears not to have taken root yet, that preventive and awareness-raising strategies must be undertaken to avoid escalation of the problem in the future like what, for example, had been reported in the tourist resort of Acapulco.

87. The Special Rapporteur also pointed out that during her visit to the United States of America in December 1996, she had been informed of tour operators who would arrange visits to Mexico for men who wanted to travel especially to have sex with underaged girls. Whilst the Special Rapporteur recognizes that activities of American tour operators are not within the jurisdiction of the Government of Mexico, she urges that, on the basis of the recognition of a common problem, both Governments cooperate effectively with a view to eliminating such operations.

88. The tourism authorities did point out that they had carried out campaigns in connection with American universities' spring holidays when hoteliers, restaurant, bar and nightclub owners were reminded not to serve alcohol to minors. Groups of young students visiting during their spring holidays were requested to respect local regulations and to avoid excessive behaviour.

89. Another initiative undertaken by tourism authorities in Cancún is the proposed relocation of specific bars and restaurants which have been identified as being potentially "risky", to a designated area outside the town, called "zona roja". The aim of this project is to ensure that any illegal activities that might be going on in the establishments of that red-light district would be more easily monitored by the police, with a view to identifying potential risks.

D. Criminal justice system

90. The municipal DIF in Cancún reported that it has good working relations with the local law enforcement agency in relation to cases concerning street children. DIF officials also provide training on "street culture" to police officers with a view to enhancing their understanding of the life in the streets, including the increased vulnerability of children in such situations.

91. The Special Rapporteur regretted, however, that the Director of Public Security, responsible for the preventive police force, held that, since no cases of commercial sexual exploitation of children have been reported to the police in Cancún, this problem does not exist. According to him, those involved in prostitution and in striptease bars are over 18 years old. The

representative did, however, concede that isolated incidents of sexual abuse of minors in bars or night clubs have occurred. In such cases and if a police patrol learns of a case involving a minor, DIF officials are immediately alerted. The Special Rapporteur is concerned at such an unenlightened attitude by law enforcement officials, especially in view of that fact that DIF officials had informed her of cases where DIF street workers had discovered groups of underage girls working in striptease bars and other dance establishments.

92. Some non-governmental organizations with whom the Special Rapporteur met criticized the criminal justice system quite strongly for its negligent attitude towards children and for the fact that sexual violence against minors is not considered a serious offence and is not backed by the necessary strong position in law.

E. Non-governmental organizations

93. The Special Rapporteur held a dialogue with various non-governmental organizations in Cancún, organized by the NGO Council of Quintana Roo. All participants agreed that commercial sexual exploitation of children certainly exists in Cancún, albeit not on a systematic scale. However, the lack of adequate legislation to protect children from exploitation, as well as the lack of data and statistics on the extent of commercial sexual exploitation of children were cited as major obstacles to effective action. It was considered that family violence and sexual abuse of children within families pose a greater problem for children in Cancún than child prostitution or child pornography.

94. The Special Rapporteur, however, was particularly pleased that during this meeting the desirability of increased networking amongst non-governmental organizations working on children's rights was recognized. One participant working at a local hospital offered to alert relevant organizations in order to make contact with abused children who are brought to the hospital. Another participant, from the Universidad La Salle, offered to initiate academic research on commercial sexual exploitation of children in Cancún, on the basis of which strategies for action by non-governmental organizations could be formulated. The Special Rapporteur hopes that these constructive ideas raised at the Council meeting have already been initiated and she is looking forward to being updated on any progress achieved.

IV. COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN FRONTIER AREAS: CIUDAD JUAREZ AND TIJUANA

A. Causes and characteristics

95. As the Minister for Foreign Affairs pointed out, the border between the United States of America and Mexico is unique. It is 3,000 kilometres in length, and is one of the longest borders between an industrialized and a developing country in the world. There are an estimated 300 million crossings per year along that border and bilateral trading crossing the border by surface is estimated to be worth US$ 160 to 170 billion. Another unique feature are the "twin cities" along the border where, for example, El Paso, Texas, faces Ciudad Juárez, Chihuahua, and San Diego, California, is paired

with Tijuana, Baja California. It is interesting to note that whilst the American border city is always wealthier, its Mexican counterpart is almost always larger in size and population. Such "twin cities" literally live off each other and it is inevitable that intensive border-liaison mechanisms have had to be developed to fight crime, violence, smuggling of drugs and the crossing of illegal immigrants along the borders.. The Minister for Foreign Affairs also pointed out that the illegal crossing of children has been recognized to constitute a problem for authorities on both sides. However, cooperation especially relating to trafficking and sale of children for child prostitution and child pornography, has not yet been sufficiently developed.

96. Ciudad Juárez, the fifth largest city in Mexico, is a highly industrialized area with a population growth which is double the national population growth rate; it attracts many migrants from across Mexico who come in search of employment or opportunities to cross to the United States of America. As already mentioned, migrant families are vulnerable to family disintegration, violence, substance abuse, as well as other insecurities brought about by the change in environment and the uprooting from their homes. Children with working parents are often unsupervised and neglected and become easily involved in street life involving gangs, petty crime, vagrancy and drug abuse. In Ciudad Juárez alone, there are over 400 street gangs which are involved in turf battles and violence, involving many children in the streets and even using them for the purpose of trafficking in arms and drugs. The town, therefore, faces a high number of juvenile delinquencies relating mainly to alcohol and drug abuse, as well as assault. There are also children in prostitution, who operate mainly in bars, restaurants and nightclubs, but here again, no figures as to the extent of their existence are available. It is estimated that there are approximately 4,000 street children in Ciudad Juárez.

97. As distinguished from Ciudad Juárez, Tijuana's main attractions, according to the Ministry of Tourism, are cheap drinks, food, the availability of alcohol and sex which attracts a certain profile of tourists. Most visitors come from across the border, often only for the day or the evening, to spend all the money they have and to have as much fun as possible during their short visit. The tourist profile also varies considerably from, for instance Cancún, in that solo travellers, as well as single-sex groups prevail as the largest group of visitors. In addition to a continuous influx of tourism, Tijuana also has a large migratory population from within the country, as well as deported migrants from the United States of America. There are approximately 8,000 street children. It is, therefore, not surprising that Tijuana faces a serious challenge in the widespread existence of commercial sexual exploitation of children.

98. Migrant minors who cross the borders between Mexico and the USA, looking for adventure or for work, are particularly at risk of being sexually exploited: they are from ages 7 to 17 years, with the majority being between 12 to 14 years old; most children cross the borders illegally, sometimes simply by running very fast past the border guards and mostly voluntarily. Alternatively, children are helped across borders by coyotes or polleros, people who wait at the international bridges on the Mexican side, offering to take anyone willing to pay about US$ 20 across. Polleros use mostly illegal methods of crossing, such as through the rivers, by car, or by paying other groups who are crossing legally to assimilate his client within the group.

The Special Rapporteur was also informed that street children, both boys and girls, have been observed to wait at the roadsides on border crossings, on the Mexican side, offering sexual services and drugs to anyone interested.

99. On the border between Tijuana and San Diego, it had been reported that many Mexican street boys cross the border to gather in Balboa Park in San Diego, where American men would come to buy sexual services. In particular, the case of one 14-year old Mexican boy who had been sexually abused and raped by an American citizen and who was brought before the Juvenile Court in San Diego, had led to the discovery of a network of people luring street children from the Park into prostitution and pornography. The investigation in the case of another Mexican street boy nicknamed "El Ardillo" (squirrel) who was charged with another boy to have killed an American who had paid them on numerous occasions for sex, revealed the extent to which street children in Balboa Park were abused and exploited by paedophiles. It was estimated that sexual services would bring from US$ 10 for a "used" boy to US$ 100 for younger and newer boys.

100. Also in Tijuana, the Special Rapporteur received reports that there had been cases where children of migrant families or street children had been abducted by strangers for purposes of smuggling them illegally across the border for child prostitution. In another case, the specialized security patrol for the protection of migrants ("BETA police"; see also para. 113) had uncovered an organized crime ring based in a hotel in Tijuana which was involved in trafficking children illegally across the border to San Diego with the help of a pollera. The Special Rapporteur also heard allegations that polleros have been known to operate brothels in Tijuana where they lure street children and migrant minors who have no one to turn to into providing sexual services.

B. Legal framework

101. The Penal Code of the State of Chihuahua, in articles 175 to 178 of chapter VI (Crimes against public morality) prescribes 6 months to 7 years imprisonment for corruption of minors, with 10 to 90 days of earnings. Articles 179 and 180, prohibiting the exploitation of prostitution of minors call for 2 to 8 years imprisonment with a fine of 30 to 70 days of earnings.

102. In the State of Baja California, under articles 167 to 170 of Chapter V (Crimes against public morality and good manners), corruption of minors is penalized with 30 days to 20 years imprisonment and a fine between US$ 1 to US$ 50,000. The exploitation of prostitution of children, in articles 171 to 173 of the same chapter prescribes imprisonment from 1 to 10 years, with a fine of US$ 500 to US$ 20,000.

C. Government programmes

103. The State Procurator for the Defence of Minors of the municipal DIF in Ciudad Juárez, had, in October 1997, registered 152 complaints of various type of abuse, neglect or maltreatment of children, out of which 17 were cases of sexual exploitation. The majority of cases are considered parental negligence or "omission to care", mainly committed by mothers who are single heads of household. It is striking that only in 7 cases out of 152 the aggressor is

unknown to the victim, most abusers appearing to be family members. It was emphasized that parental neglect, especially during school holidays, was considered an increasing problem which could represent a potential danger for an increase in the number of street children.

104. In discussions with the Special Rapporteur, municipal DIF officials stated that DIF was committed to increase the number of shelters in Ciudad Juárez, especially for migrant minors and street children. At the time of the visit of the Special Rapporteur, there was only one children's home ("Centro de Atención a Menores Fronterizos") operated by DIF and another shelter operated by the State Procurator's Office, both of which combine assistance to street children and migrant minors. The DIF Centre offers primary and secondary schooling for children, creative and vocational workshops, psychological assistance, as well as a school for parents. Children in the streets are informed of the facilities available to them by street educators so that they seek out the DIF Centre voluntarily.

105. The Special Rapporteur was also informed that children and pregnant women are only allowed to be repatriated between 8 a.m. and 6 p.m. to Mexico, to ensure that appropriate authorities and relevant support services are available upon their return.

106. The municipal DIF in Tijuana had initiated its MECED programme for children in especially difficult circumstances only two months before the visit of the Special Rapporteur and seemed already to have successfully established contacts with a number of non-governmental organizations working with street children and minor migrants in Tijuana. The MECED street workers had also already forged links with the preventive (or municipal) police with a view to being contacted for any cases involving minors which the police might detect. Despite these successes achieved in the short period of time since its inception, the Special Rapporteur was under the impression that the MECED programme is not as strongly supported, both politically and financially, by the municipal DIF as it should be, in view of the large numbers of street children and minor migrants in Tijuana. The Special Rapporteur urges both the municipal and State DIF to ensure that the MECED programme in Tijuana receives resources, both human and financial, commensurate with the enormous challenges that are faced by and to the needs of children in the city.

107. The Special Rapporteur also learned of some criticism addressed at DIF that, as a result of changes in Government, a high turnover in personnel had affected the continuity and efficacity of programmes implemented by DIF.

108. The Mexican consulate in San Diego, California, has been working on issues related to commercial sexual exploitation of children since 1992. In daily interviews with Mexican migrant minors who have been brought to Juvenile Hall in San Diego, consular officials receive much information on the use of children in prostitution and in pornography once they have crossed the border on United States territory. Following the discovery, in 1992, of a child prostitution ring involving 100 Mexican children in San Diego, a coalition was created in 1993 bringing together all public agencies, including law enforcement officials, working with children on the Mexican and United States sides, to strategize with regard to combating the problem. Unfortunately, due to financial difficulties, the coalition has not been very active. The

effectiveness of the coalition was hindered by a disagreement over the core objective: law enforcement officials wanted to eradicate the problem of commercial sexual exploitation of children by driving away the children whilst other actors wanted to ensure that children victims are brought into rehabilitation.

109. In addition to children in prostitution in Balboa Park in San Diego, consular authorities were aware of child prostitution rings stretching from the border to Sacramento and Fresno in California. Due to their extreme mobility and secrecy in operation, it is very difficult for authorities to pin down such crime rings. The Mexican consulate not only interviews Mexican minors who have been reported to United States authorities but also assists children in voluntary repatriation. In discussion with the Special Rapporteur, it was agreed that all consular officials involved in interviewing children would benefit from prior training on how to interview minors in difficult circumstances.

D. Criminal justice system

110. In Ciudad Juárez, the Special Rapporteur was pleased to note that it was as a result of lobbying by non-governmental organizations that a Specialized Agency for sexual and family crimes was established, in 1996, within the Office of the State Procurator. The Agency offers similar comprehensive and multi-disciplinary services to victims of sexual and family crimes, as already described above in connection with visits in Mexico City and Xalapa. The Special Rapporteur was informed that no cases of commercial sexual exploitation per se had been reported but that, since August 1996, the Agency had received 135 children victims of sexual violence, out of which 70 were rape cases. On the average, about 40 sex crimes are reported per month, out of which 70 per cent are committed against children under 18 years old. Agency officials also indicated that they were aware of unofficial reports of child prostitution and child pornography in Ciudad Juárez but that no official data or statistics were available.

111. The Special Rapporteur was also informed that the Agency coordinates with some United States authorities, including with the State Attorney-General and the Institute of Sexual Assault of Austin, Texas, and judicial authorities in Las Cruces, New Mexico and in El Paso, Texas, in order to provide comprehensive support to child victims and migrant minors. On the basis of such cooperation, an international forum on sexual assault and abuse will be organized in February 1998, with the objective of raising awareness on the procedures to be followed in Mexico and in the United States of America in cases of sex crimes, as well as to increase reporting of such cases.

112. The Special Rapporteur was also pleased to learn that not long before her visit to Tijuana, an agreement between United States and Mexican border authorities had been signed to ensure the protection of children, families and the disabled, and to increase efficiency of and standardized procedures for their return. A similar agreement was going to be signed between authorities in Chihuahua and Texas without delay. The Special Rapporteur can only encourage such agreements to be adopted by all authorities along the entire United States-Mexican border in order to streamline repatriation procedures bearing in mind the necessity to protect the rights of children in particular.

113. In Tijuana, the municipal authorities created, in 1990, a specialized security patrol or "BETA police" with the mandate to protect migrants from abuse and exploitation in the border area. Prior to the establishment of this specialized force of highly trained officers, migrants had been subject to countless abuse and exploitation, including physical and sexual abuse, rape, torture, beatings and bribery, by border authorities, polleros and criminal gangs operating in the "no-man's-land" area at the border. Cases had also been reported of girls who had been asked to "pay" for their crossing with sexual services. The BETA police is composed of preventive (or municipal) police, the judicial police and federal officials under the jurisdiction of the National Institute for Migration.

114. The Special Rapporteur was concerned when she was informed that the preventive police in Tijuana does not consider child prostitution and other forms of commercial sexual exploitation of children to be an issue in Tijuana. She had the opportunity to personally observe the widespread and very visible presence of children in prostitution in the streets of Tijuana. The Special Rapporteur was particularly concerned that Tijuana, with a population of only 2 million, has a city centre with as many minors visibly engaged in selling sexual services as those in Mexico City, which, as already stated above, has a population of about 20 million. Whilst the Special Rapporteur was also concerned that law enforcement officials do not receive any training on children's rights, she was pleased at the openness of the representative of the police to request assistance from DIF and other competent officials with regard to developing law enforcement training relating to children's rights for the future.

115. The Special Rapporteur was seriously disturbed by her dialogue with the representative of the Tijuana customs authorities who displayed a complete lack of sensitivity to the problems and potential dangers related to commercial sexual exploitation of children across the United States-Mexican border. Despite confirmed reports that the largest ever child pornography ring which had been operated by an American citizen out of Acapulco in 1995 had been uncovered by a successful customs control operation by Tijuana border authorities, the customs representative claimed not to be aware of the possible existence of any activities involving commercial sexual exploitation of children through customs at Tijuana. While he explained that spot-checks are carried out for both large freight and tourist groups that pass through customs he did not rule out the possibility of individuals smuggling child pornography videos, magazines or photos illegally. The Special Rapporteur strongly recommends that training for customs officials in the field of commercial sexual exploitation is carried out, perhaps with the participation of customs experts from other countries who have developed successful strategies in combating the transfer of illegal materials, including child pornography, across borders.

E. Non-governmental organizations

116. As already mentioned above, the non-governmental organization Alternativa Callejera, with the support of the Procurator's Office, was involved in helping street children who cross the United States-Mexican border illegally and become victims of sexual exploitation, until the current administration discontinued the project. Previously, Alternativa Callejera,

had received financial support for the travels across the border which were necessary to identify and make contact with the children and to repatriate children back to Mexico. In view of the importance of this support and the alarming extent of the problem especially at the Tijuana-San Diego border, the Special Rapporteur urges the Government of Mexico to reinstate this initiative.

117. In Ciudad Juárez, the National Institute for Migration has coordinated a programme for the protection of migrant minors since 1996, where governmental and non-governmental organizations cooperate with a view to receiving repatriated migrant children who return alone from the United States to Mexico, most of whom are street children not originating from Ciudad Juárez. Children between 12 to 18 years who do not have a family in the city are given to the care of non-governmental organizations who assist them in their travel back to their home town; children under 12 years are cared for by DIF. Once in Mexico, repatriated migrant youth from Ciudad Juárez are either assisted by social workers who mediate with their families for their return home or are directly dealt with by migration officials or by public security officials. The Indigenous Institute, as part of the migrant minors' programme, assists repatriated indigenous children in their own language and identifies the ethnic community from which the children originate in order to prepare their return home.

118. The Special Rapporteur considers such coordinated efforts between governmental and non-governmental organizations an important vehicle in the protection of the rights of children. She also, however, recommends that the Procurator for the Defence of Minors, when studying the cause of migration, also investigate whether children returnees were victims of commercial sexual exploitation before or during their crossing the borders, in order to establish whether there are other problems related to migrant minors which would require specific attention.

119. The Special Rapporteur was also concerned that the YMCA home for minor migrants in Ciudad Juárez was in danger of having to terminate its support to children migrants because of lack of financial resources. Considering that in Ciudad Juárez there are no other houses especially for migrant minors, since both the DIF and the Procurator's children's homes accommodate children who require various different type of assistance, the Special Rapporteur hopes that resources are found to ensure that repatriated migrant minors have places to stay upon their return.

120. The Casa Madre Asunta in Tijuana is a shelter for women migrants and their children, where they receive food, clothing and emotional support. In discussions with various sectors, it was mentioned that one problem facing women migrants who arrive in Tijuana is that in "maquiladoras" or local factories where most women end up working, there are no day care facilities for children. This inevitably results in many children migrants being left to their own devices in the streets. The Casa Madre Asunta, therefore, involves migrant children in a socialization and informal education programme to build up their self-esteem and teach them how to express their feelings and accept the reality of their new circumstances.

121. The YMCA home for minor migrants in Tijuana cares for internal and repatriated migrant youth and has attended to over 8,500 minors in the last eight years. YMCA representatives distinguish between three types of migrant minors, namely: the "transitory migrants" who only spend 3 or 4 days in the home on their way to or from the USA; "nomadics" who are children, mostly between 15 to 17 years old, who have left home and do not want to return; and street children who only spend a very short period of time at the home and mostly return to life in the streets.

122. The children's home Casa TEPOPIN of the Asociación Fronteriza de la Comunidad Tijuanense, an established non-governmental organization working with street children for 12 years, has identified four distinct groups of children in the streets needing specialized attention: children who engage in sex for survival, flower girls, jugglers and cross-border children. Casa TEPOPIN applies a participatory methodology of working with street children by empowering them through community development. With over 25 volunteers from the University, TEPOPIN reaches out to children in their own habitat, creating a confidence relationship ("Operation Friendship"). This is a long process since street children have usually become defensive and aggressive at first. TEPOPIN street workers have experienced that popular child theatre ("teatro popular infantil" or "tepopin") is one of the most reliable methods of drawing street children closer; for example, children are involved in developing a script, painting their faces and acting until a street play is performed. TEPOPIN is currently constructing a home for 30 children where such "art therapy", including painting, acting and music will be applied to rehabilitate and reintegrate street children into society. It is also envisaged that the creative services will be complemented by a social worker, a psychologist and a doctor to provide comprehensive services for children. The Special Rapporteur was impressed with such alternative and innovative methods of dealing with street children and hopes that the children's home will receive the necessary support to be operational as soon as possible.

123. Another programme that is suffering from lack of resources is the street children project of the "Ciudad de los Niños", a children's home operated by the Centro de Atención a la Niñez Tijuanense. The home currently provides comprehensive support to abused and abandoned children between 0 to 5 years old, including health care, family mediation and psychological support. The Special Rapporteur regrets very much that the street children project which aimed to address detoxification problems, rehabilitation and issues of sexual behaviour had to be discontinued for lack of expertise in these areas and for lack of funding. The Special Rapporteur hopes that support could be extended to such projects which are crucial in preventing street children from becoming further victimized through commercial sexual exploitation.

124. The Special Rapporteur also had the occasion to visit a children's home for former street children in drug rehabilitation "MERAC" ("Menores en Recuperación"). The Special Rapporteur met and dialogued with 150 children at the home and was infinitely touched by the experiences they have had to endure. Some children spoke about their own experiences in the street where they had been sexually abused. Children who are brought to MERAC spend one month in a detoxification programme, confined to the premises, after which they are free to come and go. At the same time, it was emphasized that permanent stabilization is mostly only achieved after 2 years of therapy.

Over 50 per cent of the children at MERAC, both boys and girls, had been exploited sexually for commercial purposes at some point in their lives in the streets. As a result, HIV/AIDS-infection rate is also very high amongst these children.

125. The Special Rapporteur was informed that all staff working at MERAC are former drug addicts themselves and are therefore considered to be able to relate to the children's concerns more closely. Although the Special Rapporteur is able to see some of the advantages of this approach, she would also like to emphasize the need to ensure that all child carers, whether in governmental or non-governmental institutions, are qualified, dedicated and carefully selected for the positions of responsibility that they hold.

126. MERAC is actively seeking more resources to build schooling facilities, as well as a social readaptation centre for street children. MERAC officials were of the opinion that formal education systems would not be in a position to accommodate children in drug rehabilitation. The Special Rapporteur was particularly touched when, in reply to her question as to what the children would like to ask from the Government of Mexico as a first priority, the unanimous reply was "education". The Special Rapporteur would, therefore, strongly urge the Government of Mexico, through DIF at federal and State levels, to ensure that all children are enabled to go to school. This recommendation is made in accordance with the Government's commitments made as a State party to the Convention on the Rights of the Child.

V. COMPARATIVE ANALYSIS

127. This chapter intends to present a general situational analysis of commercial sexual exploitation of children in Mexico based on the above studies. The Special Rapporteur would like to emphasize that it is quite difficult to obtain a comprehensive and accurate view of a country as large and as diverse as Mexico during a two-week visit. At the same time, however, the intensive programme of the visit provided her with an understanding of the situation in Mexico with a view to formulating recommendations for action by both Government and civil society.

A. Situation of commercial sexual exploitation of children

128. The underlying causes which push children into commercial sexual exploitation in the metropolitan, tourist and border areas are generally very similar. Poverty and the continuously increasing rural to urban migration, disintegration of the family and of social and moral values are factors which affect family structures and therefore weaken the protection granted to children within their families. However, poverty in the places visited does not seem to be poverty for survival since it would seem that there is no shortage of employment. Work is readily available especially in Ciudad Juárez because of the number of factories in the area. The same thing holds true in the tourist area of Cancún, the port area of Veracruz and in Tijuana. Intra-familial violence seems to be a much more serious problem as it is quite endemic and cuts across different sectors of society, giving rise to increase in the number of runaways and street children.

129. The most common and visible form of commercial sexual exploitation of children in Mexico is prostitution, which includes employment as table and striptease dancers. The use of children in pornography is reported also to be prevalent, but facts and data are much more difficult to establish due to the secrecy that typifies this kind of exploitation. Children in border States are perhaps more vulnerable to falling victims for such purpose since it is reported that the production of child pornography often takes place in these areas because of facility of transport to the United States of America.

130. It is very interesting to note some disparities in the situation of children in the two border cities that the Special Rapporteur visited. The situation in Tijuana seems to be far more serious and threatening to children than that in Ciudad Juárez. Commercial sexual exploitation of children in Tijuana not only is very visible but exists on a much larger scale in proportion to the population. Drug addiction appears to be one of the main causes for children getting ensnared in the sex trade. The proliferation and availability of drugs in the city poses serious problems, not only for adults but also for children.

131. Recruitment methods do not vary much from one State to another. With the exception of street children, the presence of loosely organized networks and "standard" recruitment methods of children are disconcerting. They are systematically lured from rural areas and from their home environment under false pretences to cities where they are left to the mercy of middlemen. The Special Rapporteur is also concerned about reports relating to the participation of law enforcement authorities assisting in the creation of a climate of impunity encouraging the more organized networks to operate.

B. Legal provisions

132. In a federal Government like Mexico, each State has its own legislation relating to the protection of the rights of children. It is regrettable, however, that although Mexico is a State party to the Convention on the Rights of the Child, not only is there is a great divergence of laws of the different States, in many cases said laws are not in accordance with the relevant international standards. It is essential that all States initiate or continue legislative review in order to harmonize all provisions with the Convention on the Rights of the Child. The comparative legal booklets prepared by the National Human Rights Commission may be useful as a basis for such review.

C. Government action

133. The Special Rapporteur observed that generally, the Government of Mexico is quite aware of the urgency of action on commercial sexual exploitation of children. However, while the political will to address the problem is quite perceptible, there appears to be no systematic, concrete and nationwide strategies in place yet. Response mechanisms are largely dependent on the interest and dedication of people in positions of responsibility. In most places strategies are uncoordinated and inefficient.

134. An example of this would be the role played by the National System for the Integral Development of the Family (DIF) at the State level. The Special Rapporteur was impressed with the DIF officials in the State of Quintana Roo

who obviously work in the streets with the children on a daily basis; they have very comprehensive knowledge of the extent of the problems they face in their State, including the number of children in the streets, the dangers they face, and the places they frequent. The same dedication was not perceived in Mexico City, where the Special Rapporteur was of the impression that the DIF officials are quite removed from children and their concerns, working mainly on policy matters. While it cannot be gainsaid that programmes and strategies may differ from State to State, the Special Rapporteur feels that close contact with the most important clients, namely, the children, should at all times be maintained. Generally, however, the Special Rapporteur was pleased with the openness and candid self-assessment with which DIF responded to her visit.

135. The Special Rapporteur was, however, disappointed with the defensive and closed attitude by most of the tourism, immigration and customs officials, who appear to be still in the stage of denial of the existence of the problem. This is regrettable particularly in the resort and frontier areas. The Special Rapporteur hopes that these concerned authorities would forge closer links with DIF and non-governmental organizations in order to gain an understanding of the problem with a view to recognizing its existence and planning strategies to address the issue.

136. The Special Rapporteur is quite cognisant of the fact that in view of the legal gaps and disparities, the regional differences, the decentralized structure of Government in Mexico, and the existence of great indigenous communities, it is not an easy task to design or implement effective nationwide strategies.

D. Role of the criminal justice system

137. The Special Rapporteur is appreciative of the recognition by the Office of the Government Procurator of the need for a holistic response to children in distress under its Directorate of Minors and its specialized agencies, thereby attempting to reach beyond the traditional law enforcement capacity.

138. Serious attention, however, has to be given to sensitization of the law enforcement authorities. The alleged involvement of some law enforcers in abuses against children either by themselves or in collusion with others deserve urgent measures. In this regard, it is very crucial that offences against children be mainstreamed in police priorities, both as prevention and as intervention measures. The lack of reported cases specifically on commercial sexual exploitation of children may be attributable to the lack of awareness on the part of both the police and the general public.

E. Role of non-governmental organizations

139. The Special Rapporteur had extensive dialogues with various non-governmental organizations working on children's concerns in all the places she visited. She had noted that the perception is practically unanimous that there is a need to maximize the resources through better coordination and networking not only between the Government and non-governmental organizations but even as amongst non-governmental

organizations themselves. Very often whatever coordination exists is merely sporadic and on an ad hoc basis. This perforce leaves a lot of gaps that are not attended to.

VI. CONCLUSIONS AND RECOMMENDATIONS

A. Government of Mexico

140. The magnitude and diversity of conditions in the whole country of Mexico makes it difficult to institute comprehensive measures for the protection of children. Strong political will is imperative in order to achieve advances in this regard. The following are recommendations that the Special Rapporteur hopes that the Government will consider seriously in order to prevent and overcome the problem of commercial sexual exploitation in Mexico:

1. The lack of statistics and data on the magnitude of commercial sexual exploitation of children should not be an excuse for non-implementation of both preventive and remedial measures, as it is quite evident in the places visited that the problem exists.

2. All means should be exhausted to ensure that the criminal justice system is child-friendly, particularly on the level of law enforcement. Towards this end, it is essential that the following be implemented at the soonest possible time:

(a) Policy measures to mainstream crimes against children among the primary concerns of law enforcement;

(b) Advocacy and awareness-raising programmes geared towards enhancing the reporting mechanisms for instances of child abuse;

(c) Training of all the different pillars in the criminal justice system from entry to exit points of the child victim in order to avoid revictimization of the child;

(d) Implementation of multi-sectoral response mechanisms whenever feasible to a child seeking assistance;

(e) Prosecution and punishment of child abusers, including law enforcement officers and other public officials, and wide publicity thereof;

(f) Institutionalized and systematic inclusion of the recovery and reintegration into society of the child victim.

3. Review of both federal and State legislations affecting children with the end in view of harmonizing the same with the provisions of the Convention on the Rights of the Child, particularly on the definition of a child as a person below 18 years of age.

4. Review of both federal and State legislation on abuses against children with a view to criminalizing the same and specifying the elements thereof and the penalties therefor.

5. Constant monitoring and supervision of places where children are at risk and implementation of programmes for their rescue and protection.

6. Enhancement of the role of the National System for the Integral Development of the Family (DIF) in the protection of children through institutionalized and uniform programmes addressing and eradicating the main causes for the existence of the phenomenon, especially intra-familial violence and sexual abuse.

7. Urgent attention to the issue of drug and substance abuse among children as a matter of high priority.

8. Enforcement and/or implementation of compulsory education for children, whether formal or informal.

9. Close cooperation and coordination with non-governmental agencies concerned with child protection.

10. Involvement of the private sector in the protection and reintegration of children victims.

141. For States in the border areas, the Special Rapporteur recommends the following:

1. Initiation and/or enhancement of cooperative efforts between the relevant officials on both sides of the border for the protection of children.

2. Sensitization and training of the border police, customs, and immigration officers on the vulnerability of children and on the methods of investigation and inquiry in the process of apprehension or repatriation.

3. Training of Mexican consular officials in the United States of America for treating and interviewing migrant minors.

4. Constant supervision of the border areas to prevent exploiters from having ready access to children for the purpose of subjecting them to abuse either locally or across the border.

B. Non-governmental organizations

142. Non-governmental organizations are usually the indispensable partner without which Governments would find it very difficult, if not impossible, to implement reforms and programmes for the protection of children. Among the initiatives that non-governmental organizations can take in order to alleviate the plight of children in difficult circumstances in general are the following:

1. Conduct general awareness programmes concerning the following:

(a) The existence of the specific problem of commercial sexual exploitation of children in the country;

(b) The primary causes giving rise to the vulnerability of children in this regard in the context of the place;

(c) The modus operandi of recruitment of children;

(d) The rights of children under international instruments, particularly under the Convention on the Rights of the Child;

(e) The repercussions of commercial sexual exploitation of children on their whole personality;

(f) The responsibilities of parents and other members of the community to be vigilant for the protection of children.

2. Actively participate in monitoring places where children are at greater risk and take measures to report the same and to extricate the children from the exploitative situation.

3. Be vigilant in monitoring response mechanisms by the Government, especially law enforcement authorities in order to avoid revictimization of children needing assistance.

4. Encourage and make possible networking and cooperation amongst themselves first, through inventory of the different organizations rendering service to children, and then by allocating unto themselves specific areas of responsibility.

5. Be vigilant in the protection of children within their care so that they are not further victimized and traumatized. Towards this end, strict attention should be paid to the following:

(a) The screening of applicants for positions in the organization, particularly those who will be dealing directly with children;

(b) The supervision of the day-to-day conduct of the activities;

(c) Detection of distress signals from among the children within their care who may be too scared to report abuse;

(d) The validation of programmes and initiatives to qualified childcarers like child psychiatrists and child psychologists to ensure that the programmes or initiatives do not further damage the child.

6. Be proactive and innovative in devising ways and means of encouraging children to voluntarily seek assistance and report abuses against them.

7. Pay particular attention as a matter of grave priority to the curtailment of drug or substance abuse among children especially in the metropolitan and border areas.

8. Actively cooperate with Government in the search for viable alternatives to formal schooling for working children.

9. Actively advocate and sensitize the business sector in training children for alternative sources of income other than commercial sex.

10. Provide for "help lines" or "hot lines" to which children needing assistance could have easy access.

Annex

LIST OF SELECTED PERSONS/ORGANIZATIONS WITH WHOM THE SPECIAL RAPPORTEUR MET DURING HER MISSION

Mexico City, D.F.

H. E. Lic. José Angel Gurria	Minister for Foreign Affairs
Lic. Lorenzo Thomas Torres	Government Procurator of the Federal District
Lic. Mario Luis Fuentes	Director-General, National System for the Integral Development of the Family (DIF/DF)
Dra. Elva Cárdenas Miranda	Deputy Director-General, Assistance and Coordination, DIF/DF
Lic. Alejandro Cornejo Ramos	Coordinator, Assistance and Coordination, DIF/DF
Dra. Mireille Rocatti	President, National Human Rights Commission (CNDH)
Dr. Luis de la Barreda	President, Human Rights Commission of the Federal District (CDHDF)
Lic. Teresita Gómez de Léon	Secretary of the Council, CDHDF
Lic. Montserrat Sagarra Paramont	Director-General, General Directorate for Minors and Handicapped, Office of the Government Procurator
Lic. Andrés Linares Carranza	Director-General, General Directorate for Family Affairs, Public Procurator's Office
Lic. Joaquin Gonzalez Casanova	Director-General for Human Rights, Office of the Attorney-General of the Republic
Mtra. Sofía Villa Elenes	Director, Children's House "Casa del Arbol", CDHDF
Senator Guadalupe Gómez	Commission on Gender Equality of the Senate
Senator Franco Muñoz	Secretary for Children's Affairs of the Senate

Dip. Angelica Luna Parra	Commission for Special Attention to Vulnerable Groups, National Assembly of the Federal District
Dip. Francisco Javier Serna	Commission for Health and Social Services, National Assembly of the Federal District
Comandante Raúl Adrian Pérez	Judicial Police, Federal District
Lic. Octavius Flores Chamorro	Official of the Public Prosecutor's Office, Specialized Agency No. 57, Judicial Police of the Federal District
Lic. Jovita Osorino	Temporary Children's Shelter, Office of the Government Procurator of the Federal District
Lic. Verónica Peralta Gutiérrez	Directorate of Minors, Office of the Government Procurator of the Federal District
Lic. Dulce Maria Sauri Riancho	Coordinator, National Programme for Women, Ministry for Interior
Lic. Amparo Canto	Coordinator, Services Unit, Ministry of Tourism
Lic. Carol de Swaan	Coordinator, Women's Programme, Ministry of Tourism
Dr. Jorge Alejandro Saavedra López	National AIDS Prevention and Control Branch (CONASIDA), Ministry of Health
Lic. José Luis Saucedo Muñoz	Director-General, Alternativa Callejera
Lic. José Vallejo	Fundación Renacimiento (Casa Ecuador)
Srta. Elia Gema Garcia	Fundación Renacimiento (Casa Ecuador)
Dr. Elena Azaola	Street Children Programme, Commission of the European Communities
Dra. Norma Negrete Aguayo	Spaces for Total Development (EDIAC)
Srta. Rosa Icela Madrid Romero	Brigada Callejera
Srta. Margarita Griesbach	Educación con el Niño de la Calle (EDNICA)
Mr. José Carlos Cuentas-Zavalla	Representative, UNICEF

Mr. Robert Cohen	Communication and Child Rights Officer, UNICEF, Mexico
Ms. Thelma O'con-Solorzano	Director, United Nations Information Centre (UNIC)
Mr. Juan Miguel Diaz	Press Officer, UNIC
<u>Xalapa and Puerto de Veracruz</u>	
Lic. Rodolfo Duarte Ribas	State Government Procurator
Lic. Augusto C. Zurita Morales	State Procurator for the Defence of Minors, Family and Indigenous, DIF Veracruz
Lic. Fernando Mota Bolfeta	Chief, Judicial Support, Office of the Procurator for the Defence of Minors, DIF Veracruz
Psic. David Bermudez	Coordinator, Children in Especially Difficult Circumstances (MECED), DIF Veracruz
Lic. Clarisa Guajardo Ruiz	Director, Centre for Victim Support, Office of the Government Procurator
Lic. Lidia Elias Prieto	Chief, Specialized Agency for Sexual and Family Crimes, Xalapa
Psic. Luz Esther Mejía	Psychologist, Specialized Agency, Xalapa
Lic. Alicia Montiel	Social Worker, Specialized Agency, Xalapa
Dra. Raquel Lagunes	Doctor, Specialized Agency, Xalapa
Lic. Margarita Herrera Ortiz	President, State Commission on Human Rights
Lic. Naela Márquez Hernández	Chief, Specialized Agency for Sexual and Family Crimes, Veracruz
Lic. Arturo Marinero	Coordinator, MATRACA
Sr. Juan Manuel Perez	Director, Casa MATRACA
Sr. Oscar Escudero	Indigenous Women and Children Programme, MATRACA
Sra. Libertad Hernández	Director, Alternativa Callejera

Lic. Ana Gambia de Trejo	Coordinator, Childhood Consultative Council
Dr. Luis Rodriguez Gabarron	Coordinator, Childhood Consultative Council

Cancún

Dr. Juan José Ortíz Cardín	Director-General, DIF Quintana Roo
Soc. Efren Hernández Martínez	Director-Geneal, Municipal DIF Benito Juárez
Lic. Juan García Escamilla	State Procurator for the Defence of Minors and the Family, DIF Quintana Roo
Psic. Martha McLiverty Pacheco	Programme Coordinator for Minors and Adolescents, DIF Quintana Roo
Lic. Norma Salazar Rivera	Operational Director, Municipal DIF Benito Juárez
Lic. Rodolfo García Pliego	General-Secretary, Mayor's Office
Capt. Federico Marcos Solis	Director, Department for Public Security
Lic. Aurora Molina	Director, State Department of Tourism
Sra. Eva López	Coordinator, NGO State Council of Quintana Roo
Sra. Yolanda Garmendia	NGO State Council of Quintana Roo
Lic. Lydia Calho R.	Estas Mujeres
Dra. Patricia Seoane B.	Defence for Human Rights of Women and Minors
Sra. Teresa Morales	Grupo Arcoiris
Prof. Ignacio Diez Hidalgo	Universidad La Salle

Ciudad Juárez

Lic. Jesús Alfredo Delgado	Acting Mayor
Sra. Alma Rosa Hernández de Flores	Presidente, Municipal DIF Ciudad Juárez
Lic. Verónica Jiménez Montes	Director-General, State DIF Chihuahua

Lic. Rafael Hernández Carlos	Director-General, Municipal DIF Ciudad Juárez
Lic. José Ibarra Moreno	Director, Centre for Frontier Minors, Municipal DIF Ciudad Juárez
Lic. Patricia Cabrera	Social Communications Coordinator, Municipal DIF Ciudad Juárez
Lic. María Antonieta Esparza	Director, Specialized Agency for Sexual and Family Crimes, Office of the Government Procurator
Lic. Elba Guadalupe Gomez Cabral	State Procurator for the Defence of Minors, Municipal DIF Ciudad Juárez
Psic. Guadalupe Acosta García	Legal Assistant, Office of the DIF State Procurator for the Defence of Minors
Representative	Inter-Institutional Coordination Commission for Border Minors
Representative	National Institute for Migration
Lic. Leticia López Manzano	Director, Paso del Norte (YMCA), AC.
Mtr. Sergio García	Casa de Libertad Bethel
Sr. Antonio Flores Díaz	Casa de Libertad Bethel
Sra. Josefina Valencio	Casa de Libertad Bethel
Sr. Oswaldo Gorzegno	Desarollo Juvenil del Norte
Sr. David Mercado	Pueblo de García, AC.
Sra. Margarita Olivas P.	Association for the Protection of Minors

Tijuana

Lic. Marco A. Esponda Gaxiola	Director-General, State DIF Baja California
Lic. Sergio E. Reynoso Nuño	Director, Municipal DIF Tijuana
Lic. Laura Quezada Ruela	Municipal Procurator for Minors, DIF Tijuana
Lic. Rosa Alta Gracia	Coordinator, MECED Programme, DIF Tijuana

Lic. Osacr R. Ezkauriatza	Public Security Official
Sr. Rodolfo Ponce Díaz	Administrator, Customs Authorities
Lic. Geraldo Delgado Cruz	Regional Representative, National Institute for Migration
Sr. Victor Ortíz Aguilar	National Institute for Migration
Madre Gemma Lisot	Casa Madre Asunta
Sra. María de Rosario Galvan	Casa Madre Asunta
Prof. Oscar Escalada	Casa YMCA del Menor Migrante
Sr. Mike Lewis	Casa YMCA del Menor Migrante
Dr. Guillermo Alvarado	Casa TEPOPIN, Asociación Fronteriza de la Comunidad Tijuanense, AC.
Lic. Martha Beltrán Gudiño	Operational Director, "Ciudad de los Niños", Centro de Atención a la Niñez Tijuanense
Sr. Juan Carlos Arreguin Rodriguez	Director-General, ARAC - MERAC (Menores en Recuperación)

San Diego

Cons. Adriana González Félix	Consulate-General of Mexico
Lic. Caterina M. Tabacco Sanguinetti	Liaison Officer, Border Project for Minors, Consulate-General of Mexico

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